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**From:** Voigt, Gregory [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E80FF9789CA74D23BE98383CB4F567A8-GVOIGT]  
**Sent:** 5/17/2022 2:38:35 PM  
**To:** Yagecic, John [John.Yagecic@drbc.nj.gov]; Suk, Namsoo [DRBC] [Namsoo.Suk@drbc.gov]  
**Subject:** FW: Petition for Upgraded Use & Standards  
**Attachments:** AX-22-000-3981 response 5-2-2022 final.pdf; EPA WQS D.O. Rulemaking Petition\_DRN CAC PennFuture PennEnvironment Environment New Jersey\_Final\_4.29.22.pdf

FYI...



Gregory Voigt  
USEPA Region III  
Four Penn Center  
1600 John F Kennedy Blvd, Mail Code 3WD42  
Philadelphia, PA 19103-2852  
Phone 215-814-5737

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**From:** Voigt, Gregory  
**Sent:** Monday, May 16, 2022 8:55 AM  
**To:** Keepermaya@delawareriverkeeper.org; bonomo@pennfuture.org; joe\_minott@cleanair.org; domalley@environmentnewjersey.org  
**Cc:** Jackson, Wayne <Jackson.Wayne@epa.gov>; Fleisig, Erica <fleisig.eric@epa.gov>  
**Subject:** FW: Petition for Upgraded Use & Standards

Hello Maya, Jacquelyn, Joe and Doug,

Attached is EPA's interim response to your April 29, 2022 petition (also attached for reference) regarding water quality standards for aquatic life in the Delaware River Estuary. We will circle back with a final response once we have completed our review of the information you submitted. Please note I could not find David Masur's email on your below message or on the PennEnvironment website. We trust you will pass this information along to him. Thank you.



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**From:** Maya van Rossum <Keepermaya@delawareriverkeeper.org>  
**Sent:** Friday, April 29, 2022 12:26 PM  
**To:** Regan, Michael <Regan.Michael@epa.gov>; McCabe, Janet <McCabe.Janet@epa.gov>  
**Cc:** Esher, Diana <Esher.Diana@epa.gov>; Dunn, Michael <dunn.michael@epa.gov>; Balla, Richard

<Balla.Richard@epa.gov>; Brandt, Peter <Brandt.Peter@epa.gov>; Kramer, Kim <Kramer.Kim@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Gaylord, Brent <Gaylord.Brent@epa.gov>; Kathryn Urbanowicz <kurbanowicz@cleanair.org>; Faith Zerbe <Faith@delawariverkeeper.org>; Erik Silldorff <erik@delawariverkeeper.org>; domalley@environmentnewjersey.org; Abby Jones <jones@pennfuture.org>; Jessica O'Neill <oneill@pennfuture.org>; Susan Sunhee Volz <svolz@cleanair.org>; Therese Wilkerson <Therese@delawariverkeeper.org>; Kacy Manahan <Kacy@delawariverkeeper.org>; Molly Atz <Molly@delawariverkeeper.org>; Garcia, Lisa <Garcia.Lisa@epa.gov>; Ortiz, Adam <Ortiz.Adam@epa.gov>; Soltani, Beth <Soltani.Beth@epa.gov>; Libertz, Catherine <Libertz.Catherine@epa.gov>; Gillespie-Marthaler, Leslie <GillespieMarthaler.Leslie@epa.gov>; Mastro, Donna <Mastro.Donna@epa.gov>; Gardner, Allison <Gardner.Allison@epa.gov>; Mugdan, Walter <Mugdan.Walter@epa.gov>; Laureano, Javier <laureano.javier@epa.gov>; Jackson, Wayne <Jackson.Wayne@epa.gov>; Wong, Virginia <Wong.Virginia@epa.gov>

**Subject:** Petition for Upgraded Use & Standards

Administrator Regan and Deputy Administrator McCabe,

Pursuant to the Administrative Procedure Act, 5 U.S.C. § 553(e) and Clean Water Act, 33 U.S.C. § 1313(c)(4)(B), the Delaware Riverkeeper, Maya van Rossum, Delaware Riverkeeper Network ("DRN"), Citizens for Pennsylvania's Future ("PennFuture"), Clean Air Council, Environment New Jersey, and PennEnvironment (collectively "Petitioners") petition the U.S. Environmental Protection Agency ("EPA") to engage in rulemaking to revise the water quality standards for Zones 3, 4, and River Miles 78.8 to 70.0 of Zone 5 ("subject zones") of the Delaware River Estuary. Petitioners request EPA to issue a rule that revises the designated uses for the subject zones to include: 1) maintenance and propagation of resident fish and other aquatic life; and 2) spawning and nursery habitat for anadromous fish (collectively "propagation"). To protect the "propagation" use, the EPA must also upgrade the dissolved oxygen ("D.O.") criteria for the subject zones to at least 6.3 mg/L.

A copy of our full Petition, supporting evidence and request is attached to this email.

By granting this Petition, the EPA can fulfill its responsibility under the Act to protect the jurisdictional waters, endangered species that depend upon a healthy Delaware River Estuary, and communities within the Delaware River watershed from unjustifiably-degraded water quality. DRBC has consistently demonstrated that it will not act in a reasonably expeditious manner. Federal rulemaking is needed without delay.

For the aforementioned reasons, Petitioners hereby request that EPA promptly initiate rulemaking to promulgate new WQS for the subject zones of the Delaware

River Estuary to: 1) revise the designated uses to include fish “propagation;” and 2) upgrade the D.O. criteria to the 6.3 mg/L concentration necessary to support the revised designated use of “propagation.” For further communications, please contact me at either [keepermaya@delawareriverkeeper.org](mailto:keepermaya@delawareriverkeeper.org) or at (215) 369-1188 ext. 102.

With regards,

Maya

CC: Regional Administrator Adam Ortiz, Region 3  
Regional Administrator Lisa Garcia, Region 2

Maya K. van Rossum  
the Delaware Riverkeeper  
\* Leader of the Delaware Riverkeeper Network  
\* Author of *The Green Amendment, Securing Our Right to a Healthy Environment*.  
\* Founder of the national Green Amendment For The Generations movement

Pronouns: she, her, hers

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Order *The Green Amendment* at : <http://bit.ly/TheGreenAmendment>  
Or here:

